

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ROLAINE STODDARD,

Plaintiff,

vs.

NYS OFFICE OF MENTAL RETARDATION,  
NYS UNIVERSITY OF NEW YORK-  
UNIVERSITY AT BUFFALO,

Defendants.

**ORDER**

**02-CV-621F**

(consent)

Plaintiff has filed a *pro se* complaint and has requested appointment of counsel.

This Court is required to see that all litigants receive proper representation of counsel under the criteria set forth in Cooper v. A. Sargent Co., 877 F.2d 170 (2d Cir. 1989), and Hodge v. Police Officers, 802 F.2d 58 (2d Cir. 1986). In addition, courts have the inherent authority to assign counsel to represent private indigent litigants. See In re Smiley, 36 N.Y.2d 433, 438 (1975).

More importantly, each lawyer — especially those who are admitted to practice in federal court and who therefore are in a position to reap the benefits of such practice — has an ethical obligation under the Code of Professional Responsibility to provide *pro bono* services for the poor. New York Code of Professional Responsibility, Canon 2, EC 2-16; EC 2-25. "Every lawyer, regardless of professional prominence or professional workload, should find time to participate in serving the disadvantaged." EC 2-25. In addition, Rule 83.1(g) of the Local Rules of Civil Procedure provides as follows:

Every member of the bar of this Court shall be available upon the Court's request for appointment to represent or

assist in the representation of indigent parties.  
Appointments under this rule shall be made in a manner  
such that no attorney shall be requested to accept more than  
one appointment during any twelve month period.

It is in this spirit that the Court assigns Chiacchia & Fleming, LLP, 5113 South Park Avenue, Hamburg, New York, 14075, 716-648-3030, *pro bono*, to faithfully and diligently represent plaintiff in this case.

The Clerk of the Court is directed to copy the file in this matter and send it to Chiacchia & Fleming, together with a copy of this order and the Guidelines Governing Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed Counsel.<sup>1</sup> Plaintiff's attorney is directed to contact the Court by **October 21, 2009** to request a date for a status conference to discuss further proceedings in the case.

SO ORDERED.

/s/ *Leslie G. Foschio*

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LESLIE G. FOSCHIO  
UNITED STATES MAGISTRATE JUDGE

Dated: September 16, 2009  
Buffalo, New York

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<sup>1</sup>This information and the forms are also available on the Court's web site at the Attorney Information link from the home page located at <<http://www.nywd.uscourts.gov/>>.